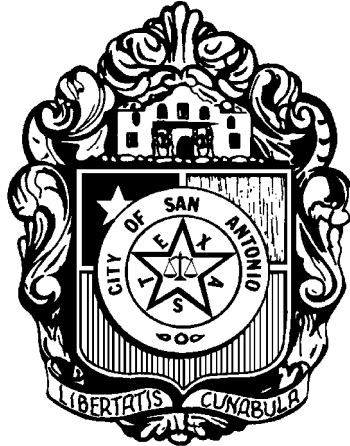


CITY OF SAN ANTONIO, TEXAS

Department of Finance



Request for Proposal To Serve as Financial Underwriter For the Convention Center Headquarters Hotel

October 20, 2003

CITY OF SAN ANTONIO, TEXAS

**Request for Proposal
To Serve as Financial Underwriter
For the Convention Center Headquarters Hotel**

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CITY OF SAN ANTONIO, TEXAS

Request for Proposal To Serve as Financial Underwriter For the Convention Center Headquarters Hotel

I. BACKGROUND

The City of San Antonio will consider the financing of a Convention Center Headquarters Hotel to be constructed contiguous to the Convention Center. It is currently anticipated that this project will combine the use of private equity capital together with certain debt instruments partially secured by the City of San Antonio Hotel Occupancy Tax derived from the project.

The City of San Antonio, Texas (the "City") is currently assessing the selection of underwriters to work together with City staff, Financial Advisors and Bond Counsel to finance a Convention Center Headquarters Hotel. The City seeks highly qualified Investment Banking professionals experienced in successfully designing, structuring and marketing Convention Center Hotel financings. Consideration for roles as Senior, Co-Senior and Co-Managing Underwriters will be given to those Respondents with extensive Senior Managing experience in Convention Center Hotel financing.

While the City anticipates the selection of qualified firms that will comprise the underwriting syndicate, the City does not anticipate or make any representations as to the composition of such syndicate or any obligation to interview any Respondent.

This Request for Proposal (RFP) represents a competitive process whereby firms may submit their proposal to provide financial underwriting services. This process will provide the City with the flexibility to negotiate with a firm or firms the terms and conditions that are mutually agreeable to all parties, and select the firm or firms that can best serve the interests of the City.

II. MINIMUM QUALIFICATIONS TO SERVE AS SENIOR AND CO-SENIOR MANAGING UNDERWRITER

Respondents must meet the minimum qualifications to serve as Senior and Co-Senior Managing Underwriter defined as follows: (1) Respondent must have acted as Senior (Book-Running) Manager on at least one Convention Center Hotel financing of at least 800 rooms over the past seven (7) years, and (2) Respondent must have served as the assigned lead principal banker for at least one Convention Center Hotel financing of at least 800 rooms over the past seven (7) years.

III. TERM OF ENGAGEMENT

The selection of the underwriting syndicate for the Convention Center Headquarters Hotel financing will be in effect from the date of selection through on or about September 30, 2006 with the exception of completing any work in progress that was initiated prior to September 30, 2006 and completed subsequent to September 30, 2006.

IV. AMENDMENTS TO RFP

Changes or amendments to this RFP may be posted on the City's website at <<http://www.sanantonio.gov/RFP/>>. It is Respondent's responsibility to review this site and ascertain whether any amendments have been made prior to submission of a proposal. A Respondent who does not have access to the Internet, must notify the City that Respondent wishes to receive copies of amendments to this RFP by mail.

V. ACKNOWLEDGEMENT OF RECEIPT OF RFP

Respondents should return the Acknowledgement of Receipt of RFP (Attachment I) to Coastal Securities by either e-mail at ytr@coastalsecurities.com or FAX at (210) 487-7001.

VI. SUBMISSION OF PROPOSAL

An original (stamped or labeled "Original") and fifteen (15) signed copies of a "Proposal To Serve as Financial Underwriter for the Convention Center Headquarters Hotel," must be received at the Office of the City Clerk, City Hall, 100 Military Plaza, 2nd Floor, San Antonio, Texas, 78205, no later than 4:00 p.m. Central (San Antonio) time, on Monday, November 3, 2003. Any proposal received after 4:00 p.m. on such date will not be accepted or considered and will be returned unopened. All proposals must be delivered to the **City Clerk's Office** in a sealed package and must be plainly marked "Proposal To Serve as Financial Underwriter for the Convention Center Headquarters Hotel," Attn: City of San Antonio, Department of Finance.

All proposals, once received, shall become the property of the City of San Antonio and will not be returned. Any information deemed to be proprietary or confidential by a Respondent should be clearly noted on the page or pages where such information is contained. However, the City cannot guarantee that such information will be kept from public disclosure as such information submitted by any Respondent may not be recognized as proprietary or confidential under Texas Law.

The submission must be signed by a person authorized to bind the Firm submitting the proposal. Submissions signed by a person other than a principal officer or partner of the Firm are to be accompanied by evidence of authority.

VII. PROPOSAL FORMAT AND REQUIREMENTS

Respondents meeting the detailed minimum qualifications that wish to submit a proposal must provide the information requested in this RFP under the section titled “Proposal Content”. Failure to respond to applicable questions or any applicable portion of this RFP may result in the proposal being deemed non-responsive and rejected from further consideration.

The City specifically requests that all Respondents limit their proposals to the information requested. Proposals **must** be limited to a maximum of thirty (30) pages, exclusive of the attachments, and should be stapled, spiral, or GBC bound. Please do not submit three-ring binders and refrain from submitting printed brochures, pamphlets or informational items. Respondents **must** provide a complete answer to all applicable questions. Failure to submit the completed information as required hereby, may result in Respondent’s proposal being deemed non-responsive and therefore disqualified from consideration.

The information requested in the RFP will be utilized by the selection committee to evaluate proposals to provide financial underwriting services. Respondents submitting proposals to serve in the capacity of Senior or Co-Senior Managing Underwriter must answer all questions. Respondents submitting proposals to serve in the capacity of Co-Managing Underwriter should respond to those questions that are pertinent to the Co-Managing position, with emphasis on marketing and distribution.

- A. SUMMARY PROPOSAL QUESTIONNAIRE (Attachment II): All Respondents should complete the Summary Proposal Questionnaire in its entirety.
- B. SMALL BUSINESS ECONOMIC DEVELOPMENT ADVOCACY (SBEDA) POLICY REQUIREMENTS (Attachment III):
 - 1. Small Business Participation. Pursuant to Ordinance No. 96754, it is the policy of the City of San Antonio to involve Small, Minority, Woman, and African-American Owned Business Enterprises (S/M/W/AABE) to the greatest extent feasible in the City’s discretionary contracts. The intent and purpose of the policy is to ensure that S/M/W/AABE firms have the opportunity to compete for City contracts without discrimination on the basis of race, color, religion, national origin, age, sex, or handicap. To accomplish the objectives of the SBEDA policy, the City has established specific goals for local S/M/W/AABE participation in this contract.

2. Goals for Small Business Participation. The goals for the utilization and participation of SBE-MBE-WBE-AABE businesses on this professional services contract are as follows:

Minority Business Enterprises (MBE)	31.0%
Woman Business Enterprise (WBE)	10.0%
African-American Business Enterprise (AABE)	2.2%
Small Business Enterprise (SBE)	50.0%

3. SBEDA Information. Interested firms are encouraged to contact the Economic Development Department's Small Business Outreach Office for information regarding the City's SBEDA Policy. For information call the SBEDA Office at (210) 207-3900 or FAX at (210) 207-3909.

- C. **GOOD FAITH EFFORT PLAN:** Proposals are required to include a Good Faith Effort Plan (GFEP) (Attachment IV). The GFEP shall include specific documentation to utilize local, small, MBE-WBE-AABE businesses in a percentage, which equals or exceeds the above goals. Any proposal that does not include the GFEP and does not receive approval of the GFEP by the Economic Development Department shall be declared non-responsive, and excluded from consideration.
- D. **SMALL, MINORITY, WOMAN, AND AFRICAN-AMERICAN BUSINESS ENTERPRISE CERTIFICATION:** Please include evidence of SBE-MBE-WBE-AABE Certification, if applicable. Only companies certified as SBE-MBE-WBE-AABE by the City, through the South Central Texas Regional Certification Agency (SCTRCA) can be applied towards the professional services contracting goals. For more information concerning certification, please call the SCTRCA at (210) 227-4722 or visit their website <http://www.sctrca.org>.
- E. **DISCRETIONARY CONTRACTS DISCLOSURE:** Proposals are required to include a completed Discretionary Contracts Disclosure Form (Attachment V). If Respondent is proposing as a team or joint venture, then all parties to that team or joint venture shall complete and return this form with the proposal. Respondent must tender a Discretionary Contracts Disclosure Form in its proposal. Failure to do so may result in Respondent's proposal being deemed non-responsive.
- F. **LITIGATION DISCLOSURE:** Proposals are required to include a completed Litigation Disclosure Form (Attachment VI). If Respondent is proposing as a team or joint venture, then all parties to that team or joint venture shall complete and return this form with the proposal. Respondent must tender a Litigation Disclosure Form in its proposal. Failure to do so may result in Respondent's proposal being deemed non-responsive.

VIII. PROPOSAL CONTENT

Respondents should address the following questions as applicable with complete and concise answers.

1. Name and address, as well as, a brief description of the Firm and its history. (Please limit your response to one page.)
2. Please provide your Firm's most recent financial information as reflected in the June 30, 2003 FOCUS Report:

Total Capital:
Total Equity:
Net Capital:
Excess Net Capital:

3. Please provide information on only those **Convention Center Hotel Finance** transactions of 800 rooms or more for which your Firm served as **Senior Book-Running Manager** over the past seven (7) years utilizing the following format:

Issuer Name	Issue Size	Date of Issue	Ratings: List each Series of Bonds Separately	Insurance If Applicable	Project Status

4. (Please limit your response to three pages.)
 - a. Identify and provide résumés of the specific individuals who will be assigned to the account. Identify their office location, percent of time allocated to the City and their specific role in each transaction identified in item 3.
 - b. Provide the name and background of the assigned senior underwriter who will be responsible for the pricing of securities. Provide a resume for that individual and verify if this person priced those issues identified in item 3.

5. Describe tax issues, state law issues or federal regulations which your Firm encountered in completing the identified projects. Discuss actions taken to eliminate or mitigate such issues. Describe any legal or tax issues you anticipate the City will encounter.
6. Describe the role and relationship of your team to rating agencies/insurance providers on those transactions listed in item 3.
7. Describe your understanding of the San Antonio Convention Center Headquarters Hotel. Describe your thoughts on possible Debt Structures, Priority of Liens, Ratings Implications, Coverage Levels, and use of City of San Antonio Credit and Support for the project. Describe your position on the minimum extent of Credit Support needed on behalf of the City to assure project completion.
8. Describe Firm's experience to sell San Antonio Bonds in the primary and secondary markets, including retail and institutional capabilities. Indicate specific transactions.
9. Give the number of offices and number of registered sales personnel who sell municipal bonds as described below:
 - a. National (including Texas); number of offices and their location – total sales representatives;
 - b. Texas only; number of offices and their location – total Texas sales representatives; and
 - c. San Antonio only; number of offices and their location – total San Antonio sales representatives.
10. Complete and submit the City SBEDA, Discretionary Contracts Disclosure, and Litigation Disclosure forms set out in Attachments III through VI.
11. Describe any actions taken against Firm within the past three years by the NASD, SEC, MSRB, or other regulatory body including State or Federal agencies relative to the Firm's activities in the area of public finance.
12. Provide a copy of Firm's affirmative action policy. Include a summary listing of professionals employed by Respondent, segregated by categories utilized in standard affirmative action reporting.

IX. RESTRICTIONS ON COMMUNICATION

The City's authorized contact persons throughout the RFP process are shown on the following table. All questions concerning this RFP must be submitted in writing, on Firm letterhead, via email, FAX transmission or other delivery method of written material and is limited to the individuals shown below. It is requested that email or FAX transmissions be coordinated with, and sent directly to the attention of Ms. Margaret U. Villegas, City of San Antonio, Finance

Department, Financial Management Division at the number shown below. Contact with persons other than those shown could result in the disqualification of the proposal submitted. In fairness to all Respondents, the City will not meet in person with anyone representing a potential provider of Financial Underwriting Services during the RFP process. This does not exclude meetings required to conduct business not related to the RFP.

The City reserves the right to contact any Firm that submits a proposal for purposes of clarification or other discussion as deemed necessary after proposals have been opened.

Contact Person	Position	Telephone	FAX	E-Mail
Milo D. Nitschke	Director of Finance	210-207-8621	210-207-7774	milon@sanantonio.gov
Margaret U. Villegas	Financial Manager	210-207-8632	210-207-7774	muvillegas@sanantonio.gov
Cappi Arriola	Financial Analyst	210-207-8637	210-207-7774	carriola@sanantonio.gov
Jorge Rodriguez	Financial Advisor	210-487-7000	210-487-7001	jnr@coastalsecurities.com

X. SELECTION PROCESS

The City will conduct a comprehensive, fair, and impartial evaluation of all submissions received in response to this RFP. The City will appoint a selection committee to perform the evaluation. Each submission will be evaluated to determine overall responsiveness and qualifications according to the RFP. The selection committee may select all, some, or none of the Respondents for interviews. If the City elects to conduct interviews, Respondents may be interviewed and re-scored based upon this same criteria, or other criteria to be determined by the selection committee. The City may also request additional information from Respondents at any time prior to final approval of a selected Respondent. The City reserves the right to select one, or more, or none of the Respondents to provide services.

XI. EVALUATION CRITERIA

The selection committee will evaluate proposals according to the criteria shown in the table below.

Financial Underwriting Services Convention Center Headquarters Hotel Evaluation Criteria		
Category	Senior and Co- Senior Manager Scoring Percentage	Co-Manager Scoring Percentage
Respondent's Convention Center Hotel Experience	20%	10%
Experience and Availability of Assigned Personnel in Convention Center Hotel Finance	15%	10%
Marketing Strategy and Capabilities	15%	40%
Demonstrated Understanding of Hotel Finance	15%	10%
Demonstrated Technical Expertise in Hotel Finance	15%	10%
Local Business Enterprise	10%	10%
Historically Underutilized Enterprise	5%	5%
Compliance with SBEDA Policy	5%	5%
TOTAL	100%	100%

XII. RESERVATION OF RIGHTS

- A. **CITY'S RIGHT TO REJECT PROPOSALS.** The City reserves the right to reject any and all submissions, cancel the entire RFP process, and/or issue a subsequent RFP. In addition, the City reserves the right to re-advertise for the services listed herein if all proposals are rejected. The City retains the right to select all or part of the services proposed to be provided by Respondents in this RFP, to contract with other financial firms for additional financial services, and/or to execute one or more contracts for the services listed herein.
- B. **PUBLIC INFORMATION.** Respondents are advised that all proposals shall become City property at the time of submission, and the information contained in the submissions could be made available to the public upon request under the Texas Public Information Act.

- C. NO COST REIMBURSEMENT. The issuance and release of this RFP does not commit the City to enter into a contract, nor does it obligate the City to pay any costs incurred or associated with the preparation and/or submission of qualifications, any presentation or interview, nor costs associated in anticipation of a contract award.
- D. APPROVAL BY CITY COUNCIL. The selection of an underwriting team or syndicate is subject to the approval of the City Council.
- E. UNDERWRITERS' COUNSEL. Underwriters' Counsel will be selected by the Senior Manager with the advice and consent of the City of San Antonio.
- F. CONFLICT OF INTEREST. Respondent acknowledges that it is informed that the Charter of the City of San Antonio and its Ethics Code prohibit a City officer or employee, as those terms are defined in the Ethics Code, from having a financial interest in any contract with City or any City agency such as City-owned utilities. An officer or employee has a "prohibited financial interest" in a contract with City or in the sale to City of land materials, supplies or service, if any of the following individual(s) or entities is a party to the contract or sale: the City officer or employee; his or her parent; child or spouse; a business entity in which he or she or his or her parent, child or spouse owns ten (10) percent or more of the voting stock or shares of the business entity, or ten (10) percent or more of the fair market value of the business entity; or a business entity in which any individual or entity above listed is a subcontractor on a City contract, a partner or a parent or subsidiary business entity.

Additionally, the City has adopted Discretionary Contracts Disclosure Requirements which mandate the submission of a Discretionary Contracts Disclosure Form attached herein as Attachment V.

- G. LICENSING, CERTIFICATION AND TRAINING. Respondent, by submitting a proposal, warrants that he, she or the entity has the requisite licenses, certifications and training to perform the services listed herein.
- H. COMPLIANCE WITH ALL APPLICABLE LAWS AND REGULATIONS. Selected Respondent agrees that while in the performance of duties, obligations and covenants under contract with the City, Respondent shall comply with all applicable federal, state and local laws, rules and regulations.
- I. VENUE AND APPLICABLE LAW. Respondent understands and agrees that any legal proceeding or action brought directly or indirectly as a result of, or in connection with the Financial Underwriter Services must be heard and determined in the City of San Antonio, Bexar County, Texas, and is governed by the laws of the State of Texas.

- J. TERMINATION. If for any cause the City, in its sole judgment, deems an Underwriter unable to perform or fulfill adequately the services covered under this RFP, the City shall have the right to terminate such Underwriter.

Termination by the Underwriter shall require the Underwriter to provide written notice to the City, Attention: Director of Finance, thirty (30) calendar days prior to the effective date of such termination.

ATTACHMENT I

Acknowledgement of Receipt of RFP

FOR YOUR IMMEDIATE ATTENTION

DATE: **October 20, 2003**

TO: **Yolanda Rodriguez**

EMAIL: ytr@coastalsecurities.com

FAX: **210-487-7001**

RE: **City of San Antonio, Texas**
Request for Proposal to Serve as Financial Underwriter
For the Convention Center Headquarters Hotel

Please return this form to confirm your receipt of the above referenced RFP.

Firm Name: _____

By:
 Name _____
 Title _____

Date: _____

ATTACHMENT II

Summary Proposal Questionnaire

ATTACHMENT II

Summary Proposal Questionnaire

1. Name of Respondent:

2. Please indicate whether you wish to be considered as Senior /Co-Senior and/or Co-Manager:

Senior/Co-Senior Manager _____
Co-Manager _____

3. Please indicate the categories which describe your firm:
(Select either National or Regional and any others that apply.)

National _____ Local _____
Regional _____ SBEDA _____

4. Most Recent Excess Net Capital:

5. Defined Minimum Qualifications: Provide the number of Convention Center Hotel transactions of at least 800 rooms for which your firm served as Senior (Book-Running) Manager over the past seven (7) years. If none, please complete this Summary Proposal Questionnaire indicating your interest to serve as a Co-Manager.

6. Provide Respondent's Years of Convention Center Hotel Experience:

7. Provide the Name and Address of Principal Banker Assigned to this Account:

8. Provide the Years of Convention Center Hotel Finance Experience of the Principal Banker Assigned to this Account:

9. List the Public Finance Representatives Assigned to Work with the City, their Office Locations and Specific Roles, and Percent of Time Allocated to the City:

10. SBEDA Certification (check all that apply):

Small Business Enterprise _____
Minority Business Enterprise _____
Woman Business Enterprise _____
African American Business Enterprise _____

11. Marketing:

a. Total Number of Offices

b. Total Number of Sales Representatives

c. Number of Sales Representatives in Texas

d. Number of Sales Representatives in San Antonio

ATTACHMENT III

Small Business Economic Development Advocacy (SBEDA) Policy Requirements

ATTACHMENT III

Small Business Economic Development Advocacy (SBEDA) Policy Requirements

1. **Small Business Participation**

Pursuant to Ordinance No. 96754, it is the policy of the City of San Antonio to involve Small, Minority, Women, and African-American Owned Business Enterprises (S/M/W/AABE) to the greatest extent feasible in the City's discretionary contracts. The intent and purpose of the policy is to ensure that S/M/W/AABE firms have the opportunity to compete for City contracts without discrimination on the basis of race, color, religion, national origin, age, sex, or handicap. To accomplish the objectives of the SBEDA policy, the City has established specific goals for local S/M/W/AABE participation in this contract.

2. **DEFINITIONS** related to the Small Business Economic Development Advocacy Provisions:

- a. **SBEDA Program:** Small Business Economic Development Advocacy Program designed to promote the utilization and participation of Local, Minority, Women, and African-American Owned Business Enterprises in City sponsored contract opportunities.
- b. **Small Business Enterprises (SBE):** a corporation, partnership, sole proprietorship or other legal entity, for the purpose of making a profit, which is independently owned and operated and which meets the U.S. Small Business Administration (SBA) size standard for small business. All firms meeting this threshold will be considered an SBE.
- c. **Local Business Enterprise (LBE):** a corporation, partnership, sole proprietorship, or other legal entity for the purpose of making a profit, which is headquartered within Bexar County for at least one year. For a branch office of a non-headquartered business to qualify as an LBE, the branch office must be located in Bexar County for at least one-year and employ a minimum of ten (10) residents of Bexar County or employ Bexar County residents for at least twenty-five (25%) of the entire company workforce for use at the local branch office.
- d. **Minority Business Enterprise (MBE):** a sole proprietorship, partnership, or corporation owned, operated, and controlled by a minority group member(s) who has at least 51% ownership. The minority group member(s) must have operational and managerial control, interest in capital, expertise, and earnings commensurate with the percentage of ownership and be legal residents or citizens of the United States or its territories. To qualify as an MBE, the enterprise shall be headquartered in Bexar County for any length of time, or shall be doing business in a locality or localities from which the City regularly solicits, or receives bids on or proposals for, City contracts within the MBE's category of contracting for at least one year.

- e. **Woman Business Enterprise (WBE):** a sole proprietorship, partnership, or corporation owned, operated and controlled by women who have at least 51% ownership. The woman or women must have operational and managerial control, interest in capital, expertise, and earnings commensurate with the percentage of ownership and be legal residents or citizens of the United States or its territories. To qualify as a WBE, the enterprise shall be headquartered in Bexar County for any length of time or shall be doing business in a locality or localities from which the City regularly solicits or receives bids on or proposals for, City contracts within the WBE's category of contracting for at least one year.
- f. **African-American Business Enterprise (AABE):** a sole proprietorship, partnership, or corporation owned, operated and controlled by an African-American group member(s) who has at least 51% ownership. The African American Group member(s) must have operational and managerial control, interest in capital, expertise, and earnings commensurate with the percentage of ownership and be legal residents or citizens of the United States or its territories. To qualify as an AABE, the enterprise shall be headquartered in Bexar County for any length of time or shall be doing business in a locality or localities from which the City regularly solicits, or receives bids on or proposals for, City contracts within the AABE's category of contracting for at least on year.

3. **Goals for Small Business Participation**

The goals for the utilization and participation of SBE-MBE-WBE-AABE businesses on this contract are as follows:

MBE	31%
WBE	10%
AABE	2.2%
SBE	50%

Please note that a small business could be classified in multiple categories and thus their utilization could in theory be counted in each category of goals. For example, **Prime Contractor X** submits a proposal, which specifies that they intend to subcontract with Subcontractor A for 10% of the contract. Subcontractor A is certified by the City as an SBE and MBE (a male-owned Hispanic Business owner can be certified as an SBE and MBE). **Prime Contractor X** also intends to subcontract with Subcontractor B for 13% of the contract. Subcontractor B is certified by the City as SBE, MBE and a WBE (a female-owned Hispanic Business owner can be certified as SBE, MBE and WBE). In addition, **Prime Contractor X** also intends to subcontract 10% of the contract to Subcontractor C – City certified SBE and AABE (a male-owned African-American business owner can be certified as both a MBE and as a AABE Business). **Prime Contractor X** is also classified as a local SBE. **Prime Contractor X's** compliance with the SBEDA goals under this scenario would be as follows:

	City's SBEDA Goals	Prime Contractor X's Compliance
MBE	31%	33%
WBE	10%	13%
AABE	2.2%	10%
SBE	50%	100%

Under this scenario, the contractor would be in full compliance with the SBEDA policy.

Another example regarding compliance with the policy is as follows: **Prime Contractor Y** submits a proposal, which specifies that they intend to partner through a joint-venture agreement with Company D. Company D is certified by the City as both an SBE and MBE (a male-owned Hispanic Business—certified as an SBE and MBE). As part of their joint-venture agreement, Company A will perform on 32.5% of the contract. **Prime Contractor Y** also intends to subcontract 13% of the contract with Subcontractor F. Subcontractor F is a City certified SBE/MBE/WBE and AABE business. **Prime Contractor Y** is also classified as a local SBE.

Prime Contractor Y compliance with the SBEDA goals would be as follows:

	City's SBEDA Goals	Prime Contractor X's Compliance
MBE	31%	45.5%
WBE	10%	13%
AABE	2.2%	13%
SBE	50%	100%

Under this scenario, the contractor would be in full compliance with the SBEDA policy.

4. **Good Faith Effort Required**

Proposals shall include a Good Faith Effort Plan (GFEP—ATTACHED). The GFEP shall include specific documentation to utilize local, small, MBE-WBE-AABE businesses in a percentage, which equals or exceeds the above goals. **Any proposal that does not include the GFEP and does not receive approval of the GFEP by the Economic Development Department shall be declared non-responsive, and excluded from consideration.**

5. **MBE-WBE-AABE Certification Required**

Only companies certified as MBE, WBE, or AABE through the South Central Texas Regional Certification Agency (SCTRCA), or as approved by the City of San Antonio Director of Economic Development, can be applied towards the contracting goals. Proof of certification must be submitted.

6. **SBEDA Information**

Interested contractors/proposers are encouraged to contact the Small Business Outreach Office for information regarding the City's SBEDA Policy. Please call (210) 207-3900 or FAX: (210) 207-3909.

ATTACHMENT IV

GOOD FAITH EFFORT PLAN

NAME OF COMPANY: _____

PROJECT NAME: _____

1. Indicate all MBE-WBE-AABE-SBE subcontractors proposed for this contract. (Use additional sheets as needed.)

NAME OF SUBCONTRACTOR	CONTRACT AMOUNT	% LEVEL OF PARTICIPATION	MBE-WBE- AABE CERTIFICATION NUMBER	HUE (Y/N)

Only companies certified as MBE, WBE, AABE or SBE by the City of San Antonio or its certifying organization can be applied towards the contracting goals. All MBE-WBE-AABE-SBE subcontractors must submit a copy of certification certificate through the Prime Contractor. Proof of certification must be attached to this form. If a subcontractor is not certified, please call the Small Business Outreach Division at (210) 207-3900 for information and details and how subcontractors can obtain certification.

It is understood and agreed that, if awarded a contract by the City of San Antonio, the Contractor will not make additions, deletions, or substitutions to this certified list without consent of the Director of Economic Development and Director of the appropriate contracting department (through the submittal of the Request for Approval of Change to Affirmed List of Subcontractors form).

NOTE: If MBE-WBE-AABE-SBE contracting goals were met, skip to #9.

2. If MBE-WBE-AABE-SBE contracting goals were not achieved in a percentage that equals or exceeds the City's goals, please give explanation.

3. List all MBE-WBE-AABE-SBE Listings or Directories utilized to solicit participation.

4. List all contractor associations and other associations solicited for MBE-WBE-AABE-SBE referrals.

5. Discuss all efforts aimed at utilizing MBE-WBE-AABE-SBEs.

6. Indicate advertisement mediums used for soliciting bids from MBE-WBE-AABE-SBEs.

Good Faith Effort Plan

7. List all MBE-WBE-AABE-SBE bids received but rejected. (Use additional sheets as needed.)

COMPANY NAME	MBE-WBE-AABE-SBE CERTIFICATION NUMBER	HUE (Y/N)	REASON FOR REJECTION

8. Please attach a copy of your company's MBE-WBE-AABE-SBE policy.
9. Name and phone number of person appointed to coordinate and administer the Good Faith Efforts of your company on this project.

10. This Good Faith Effort Plan is subject to the Economic Development Department's approval.

AFFIRMATION

I HEREBY AFFIRM THAT THE ABOVE INFORMATION IS TRUE AND COMPLETE TO THE BEST OF MY KNOWLEDGE AND BELIEF. I FURTHER UNDERSTAND AND AGREE THAT, IF AWARDED THE CONTRACT, THIS DOCUMENT SHALL BE ATTACHED THERETO AND BECOME A BINDING PART OF THE CONTRACT.

SIGNATURE OF AUTHORIZED OFFICIAL

TITLE OF OFFICIAL

DATE

PHONE

Good Faith Effort Plan

FOR CITY USE

Plan Reviewed By:_____

Recommendation: Approval_____ Denial_____

Action Taken: Approved_____ Denied_____

DIRECTOR OF ECONOMIC DEVELOPMENT

ATTACHMENT V

Discretionary Contracts Disclosure Form

City of San Antonio

Discretionary Contracts Disclosure*

*For use of this form, see City of San Antonio Ethics Code, Part D, Sections 1&2
Attach additional sheets if space provided is not sufficient.
State "Not Applicable" for questions that do not apply.*

* This form is required to be supplemented in the event there is any change in the information under (1), (2), or (3) below, before the discretionary contract is the subject of council action, and no later than five (5) business days after any change about which information is required to be filed.

Disclosure of Parties, Owners, and Closely Related Persons

For the purpose of assisting the City in the enforcement of provisions contained in the City Charter and the Code of Ethics, an individual or business entity seeking a discretionary contract from the City is required to disclose in connection with a proposal for a discretionary contract:

(1) the identity of any **individual** who would be a party to the discretionary contract:

(2) the identity of any **business entity**¹ that would be a party to the discretionary contract:

and the name of:

(A) any individual or business entity that would be a **subcontractor** on the discretionary contract;

and the name of:

(B) any individual or business entity that is known to be a **partner**, or a **parent** or **subsidiary** business entity, of any individual or business entity who would be a party to the discretionary contract;

¹ A *business entity* means a sole proprietorship, partnership, firm, corporation, holding company, joint-stock company, receivership, trust, unincorporated association, or any other entity recognized by law.

(3) the identity of any *lobbyist* or *public relations firm* employed for purposes relating to the discretionary contract being sought by any individual or business entity who would be a party to the discretionary contract.

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Political Contributions

Any individual or business entity seeking a discretionary contract from the city must disclose in connection with a proposal for a discretionary contract all political contributions totaling one hundred dollars (\$100) or more within the past twenty-four (24) months made directly or indirectly to any *current* or *former member* of City Council, any *candidate* for City Council, or to any *political action committee* that contributes to City Council elections, by any individual or business entity whose identity must be disclosed under (1), (2) or (3) above. Indirect contributions by an individual include, but are not limited to, contributions made by the individual's spouse, whether statutory or common-law. Indirect contributions by an entity include, but are not limited to, contributions made through the officers, owners, attorneys, or registered lobbyists of the entity.

To Whom Made:	Amount:	Date of Contribution:

Disclosures in Proposals

Any individual or business entity seeking a discretionary contract with the city shall disclose any known facts which, reasonably understood, raise a question² as to whether any city official or employee would violate Section 1 of Part B, Improper Economic Benefit, by participating in official action relating to the discretionary contract.

Signature:	Title: Company:	Date:

² For purposes of this rule, facts are "reasonably understood" to "raise a question" about the appropriateness of official action if a disinterested person would conclude that the facts, if true, require recusal or require careful consideration of whether or not recusal is required.

ATTACHMENT VI

Litigation Disclosure Form

LITIGATION DISCLOSURE

Failure to fully and truthfully disclose the information required by this Litigation Disclosure form may result in the disqualification of your proposal from consideration or termination of the contract, once awarded.

1. Have you or any member of your Firm or Team to be assigned to this engagement ever been indicted or convicted of a felony or misdemeanor greater than a Class C in the last five (5) years?

Circle One

YES

NO

2. Have you or any member of your Firm or Team been terminated (for cause or otherwise) from any work being performed for the City of San Antonio or any other Federal, State or Local Government, or Private Entity?

Circle One

YES

NO

3. Have you or any member of your Firm or Team been involved in any claim or litigation with the City of San Antonio or any other Federal, State or Local Government, or Private Entity during the last ten (10) years?

Circle One

YES

NO

If you have answered “Yes” to any of the above questions, please indicate the name(s) of the person(s), the nature, and the status and/or outcome of the information, indictment, conviction, termination, claim or litigation, as applicable. Any such information should be provided on a separate page, attached to this form and submitted with your proposal.

TO THE BEST OF MY KNOWLEDGE, THE ABOVE INFORMATION IS TRUE AND CORRECT.

Company Name: _____

Signature of Principal:

Printed Name of Principal:

Title of Principal